



FREDERICK COUNTY PLANNING COMMISSION

August 9th, 2017

TITLE: **Signature Club at Greenview Site Plan Revision**

FILE NUMBER: **SP 99-26, AP 17497 (APFO 17498 FRO 17499)**

REQUEST: **Site Plan Approval**
The Applicant is requesting approval for a Site Plan amendment to remove the multi-purpose trail proposed to be located behind Lots 136-137 and 177 and 178, within the existing Greenview PUD.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located within the existing Greenview PUD at the terminus of Mussetter Road, north of MD 144 Old National Pike.

TAX MAP/PARCEL: Tax Map 79 Parcels 24 & 28
COMP. PLAN: Low Density Residential
ZONING: Planned Unit Development
PLANNING REGION: New Market
WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: NVR, Inc.
OWNER: Greenview 451, LLC.
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Acting Zoning Administrator

RECOMMENDATION:

ATTACHMENTS:
Exhibit 1- Site Plan Rendering

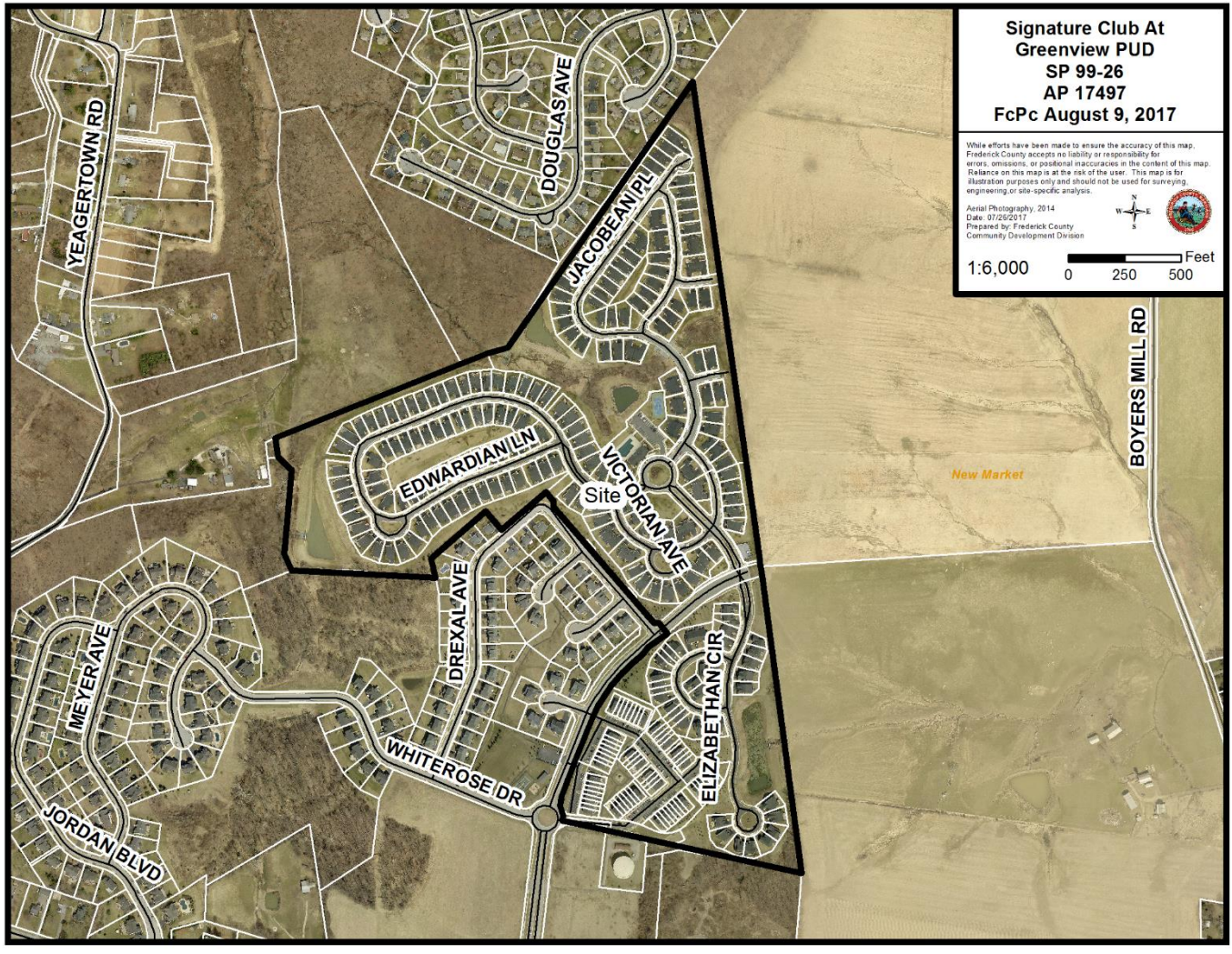
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting approval for a Site Plan amendment to remove the approved but never constructed multi-purpose trail proposed to be located behind Lots 136-137 and 177 and 178, within the existing Greenview Planned Unit Development (PUD). In accordance with Zoning Ordinance Section §1-19-3.300.1(A)(1)(b) a Type I site plan revision process is required for a “change in the type or square footage of an amenity”. The proposed use is being reviewed under the “Planned Unit Development” (PUD) regulations in place during the initial 2006 PUD approval per §1-19-321 of the Zoning Ordinance. See Graphic #1 Aerial below.

Graphic #1 Aerial



BACKGROUND

Development History

The Greenview PUD is an existing fully constructed development located in the New Market Planning Region that contains single family, town house and condominium units. The Greenview PUD received rezoning approval (from Agriculture to PUD) in 1994 for 186 acres. The Frederick County Planning Commission (FcPc) approved a Phase II (Land Use and Density) Plan for 271 single-family lots and 178 townhouse lots in 1995.

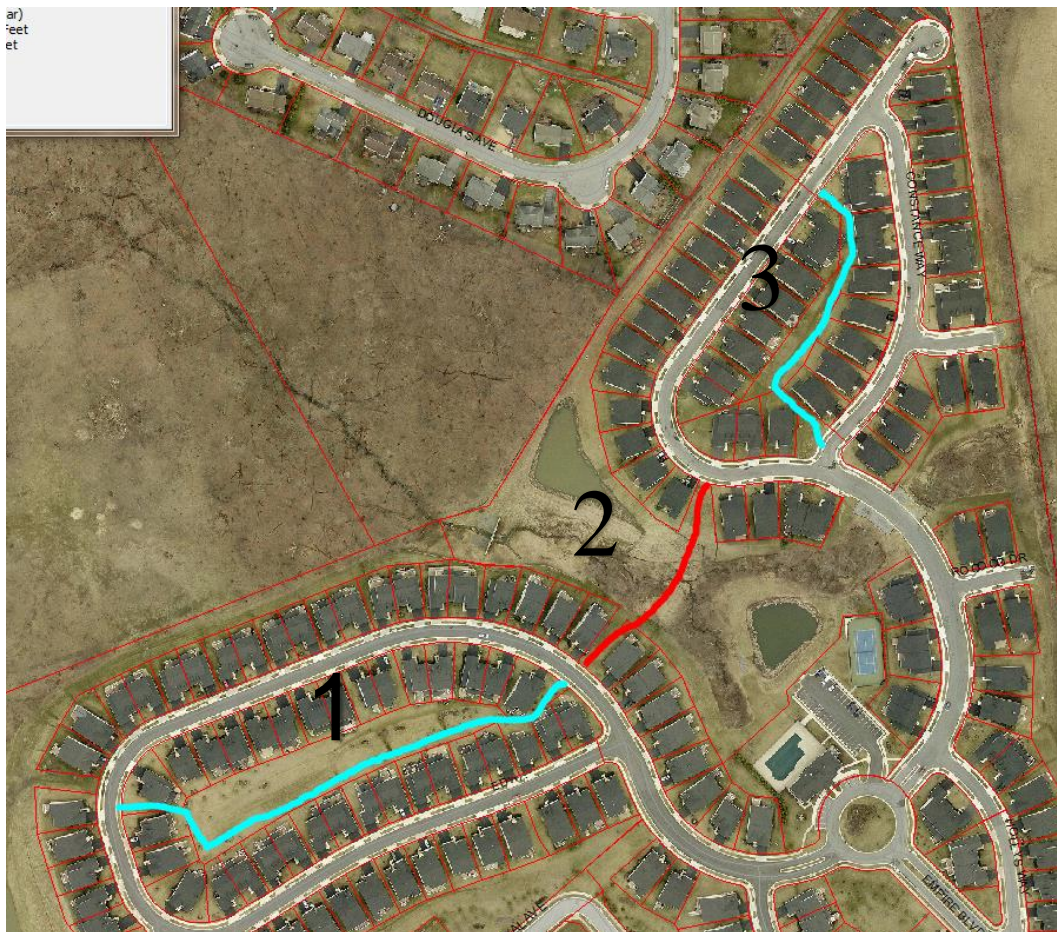
An original APFO approval in 1995 produced a signed Letter of Understanding (LOU) in 1996. The 1996 LOU required certain water/sewer and traffic improvements. All improvements have been completed. Therefore, the APFO is vested for the roads, water and sewer capacity needed for this development.

The APFO for the entire Greenview PUD was determined to be fully vested by County Agencies.

Trail History:

Signature Club at Greenview SP 99-26 was approved on June 21, 2006. At the time of approval the PUD Amenities included a clubhouse with indoor lap pool, tennis court, outdoor pool, and exercise trail.

The exercise trail was proposed in three sections (see below).



On March 7, 2013, sections 1 and 3 (shown above in blue) of the originally approved trails were removed via a Type III site plan amendment (SP 99-26, AP 13368). In early 2013 Staff met and discussed removing the two trail sections, Staff determined that we could process the amendment as a Staff Level Type III because the Greenview HOA was only requesting to remove a portion of the previously approved trails. Staff also required a majority vote from the HOA to remove the 2 (blue) trail sections. At that time there was no mention of removing the second trail link (shown above in red).

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In 2016 HOA representatives contacted Staff and requested removal of the section 2 trail link (shown in red above). Staff met to discuss the proposal and determined that the Zoning Ordinance PUD regulations at the time Greenview PUD was approved required consideration of “active and passive recreational amenities”. In addition, “Exercise Trail” is listed as an amenity on the approved site plan. Therefore, Planning Commission approval is required to remove the entire trail system from the plan. The Zoning Ordinance PUD language in effect at the time Greenview PUD was approved included the following specifically for Age Restricted Developments:

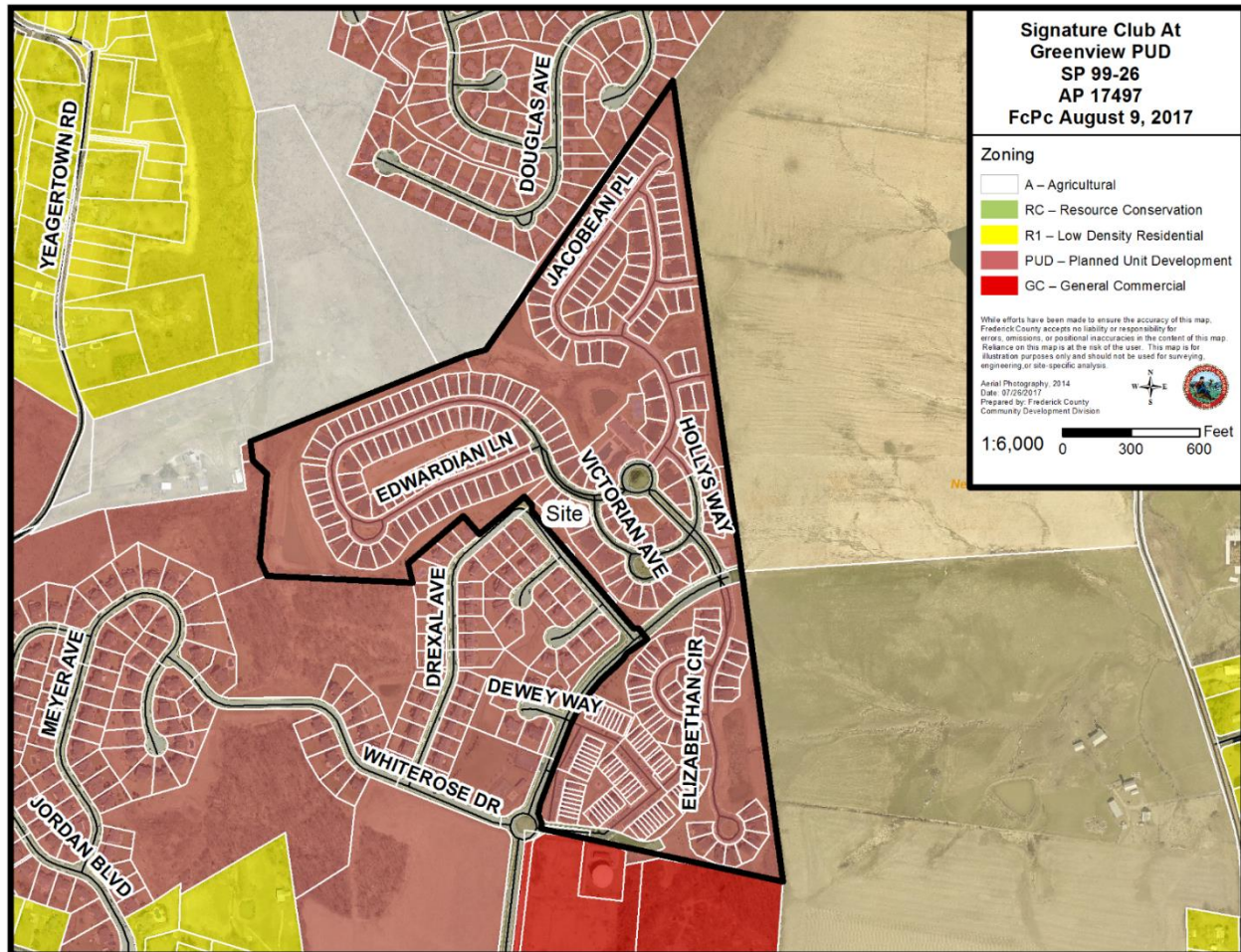
1-19-321(C)(7)(a) The Planning Commission and the BOCC, in their respective reviews of the proposed development, shall consider the following criteria to determine whether the project or portion thereof may be approved for designation as an age restricted community:

1. Active and passive recreational amenities.
2. Availability, suitability and proximity of the development to planned support services.
3. The amount of existing and approved age restricted development in the county and in proximity to the proposed development.

Existing Site Characteristics

The site is currently zoned PUD, and is developed with 449 age restricted single family detached and attached dwellings. The surrounding property to the north of the site is developed with the Eaglehead Subdivision, to the west of the site is Yeagertown Road and the Linganore Town Center, to the east of the site is the Town of New Market. Interstate 70 runs along the southern border of the site. See Graphic #2 Zoning Map below.

Graphic #2 Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issue associated with this site plan amendment application is the complete removal of the exercise trail which was one component of the active recreation amenity requirement for the age restricted Signature Club at Greenview PUD.

Detailed Analysis of Findings and Conclusions

§1-19-321 Planned Unit Development (PUD):

Planned Unit Development approval was granted in 2006 based upon the criteria found in §1-19-321 of the Frederick County zoning ordinance at that time.

Under the 2006 PUD provisions §1-19-321.E.7.a.1 required “Active and passive recreational amenities”. The amenities included a clubhouse with an indoor lap pool, fitness center and meeting rooms, tennis court, exercise trail, and outdoor pool.

During the 2006 approval, in accordance with §1-16-111 of the subdivision regulations; the Applicant was required to provide 7.5 acres of recreation land (726 square feet for each unit), the approved site plan shows 8.0 acres of active/passive recreation lands. Therefore, with the reduction of the exercise trails the Application will still adhere to the overall recreation acreage required in §1-16-111 as well as §1-19-321. However, the approved site plan refers to the trails in both the amenities note as well as notes 15 and 16 which state that “All sidewalks to be 4’ wide and constructed of concrete in front of the townhouses and adjacent to the streets and asphalt will only be used for pathway systems located in open space and active recreation areas.” and “Pathways to open spaces to be installed concurrently with road construction.”

The current Adequate Public Facilities regulations listed in Section 1-20-7(F) (5) specifically address the required amenities for a project seeking approval as an age restricted community. The current language addressing this issue was adopted and became effective in 2007 subsequent to the approval of the Greenview PUD. The language includes the requirement that...”The construction and development of the project must include a full program of amenities and other activities for older persons. At a minimum, the amenities must include:

a. A trail system, walking paths, and sidewalks for pedestrian accessibility;...”

This language adopted subsequent to the Greenview PUD approval does not apply to the project.

The Applicant requests Planning Commission approval to amend the approved site plan in order to remove the remaining unconstructed section of the previously approved trail system from the plan.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved.
<i>Development Review Planning:</i>	Hold: Address all agency comments as the plan proceeds through to completion
<i>State Highway Administration (SHA):</i>	N/A
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved.
<i>Health Dept.</i>	Approved.
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A

RECOMMENDATION

If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission Preliminary Plan approval, or August 9, 2020.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds to completion.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Site Plan (**SP-99-26**) (**AP 17497**) **with conditions, and modifications** as listed in the staff report for the proposed removal of the remaining exercise trails throughout the Signature Club at Greenview PUD Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

